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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,667	08/07/2003	Yuka Hayashi	02530028AA	8891
30743	7590	09/28/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			LE, LANA N	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,667	HAYASHI, YUKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lana N. Le	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 3,8,13,15,16 and 18-20 is/are allowed.
- 6) Claim(s) 1,4-6,9-12,14 and 17 is/are rejected.
- 7) Claim(s) 2 and 7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 10 and 14 are objected to because of the following informalities:  
"transferring the displayed data on a different portable telephone set" of claim 10 does not correspond with "transfer of data to the different portable telephone set" of claim 11.  
Appropriate correction is required to claim 10.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 6, 9-12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horii et al (US 2002/0,058,536).

Regarding claim 1, Horii et al disclose a portable telephone set (mobile phone with camera device; paras. 26, 9) comprising an image input part for receiving an image (image transferred to mobile phone main body), an image analysis part for recognizing the image (image or character from image are recognized; paras. 82, 98) and converting the image to code data (converting image into text data) (para. 82, 89), a key user input part (alphanumeric keys; fig. 3C), a display part (640) for displaying the code data (the text data is displayed; para. 89; figs. 12A-12C), a storing part (memory to store

the converted text data, personal name, phone number, email address, etc.) for storing data for each item (para. 89, 97), and a control part (enter key) for extracting data of each item from the code data based on the identification codes (phone number or email address identification extracted from text data) and registering the extracted data (extracting the phone number, etc. from the converted text data; paras. 54, 99). Horii et al (figs. 12A-12C) do not disclose the key input part for additionally inputting, with respect to the output of the image analysis part, identification codes related to items to be registered or data of each item. Horii et al (fig. 14C) shows a key input part (user enters various information related to image; para. 97) for additionally inputting, with respect to the output of the image analysis part, identification codes (i.e. personal name, phone number, email address; paras. 97-99) related to items to be registered (storing the personal name, phone number, email corresponding to image data) or data of each item. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store additional user input data in order to allow the user to more specifically characterize the image converted text data of fig. 12B of Horii et al for further identification by user input, i.e. the user inputting the person's name in addition to the converted phone number or email data.

Regarding claim 10, Horii et al disclose the portable telephone set according to claim 1, wherein the control part displays reserved data (stored coded data) on the display part (stored and retrieved to be displayed), and has a control function of transferring the displayed data to a different portable telephone set (sending the displayed text in an email) (para. 89; fig. 12C). Horii et al do not explicitly disclose a

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control function of receiving the data transferred from a different portable telephone set.

However, since Horii et al transmits the code data to another telephone set via email, it is well known and notoriously old in the art to have a control function of receiving input part as well on the other end of the other telephone set to receive the code data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the code data of Horii et al be received from another telephone set in order to allow the user to send the desired image converted text data to the other user as a text message or email.

Regarding claim 11, Horri et al disclose the portable telephone set according to claim 10, wherein the transfer of data to the different portable telephone set is made by infrared communication, bluetooth or like wireless communication (wireless communication by email via antenna) or wired communication via connector (para. 89; fig. 12C).

Regarding claim 12, Horri et al disclose the portable telephone set according to claim 1, wherein the data of each item is data of a telephone set or a scheduler (telephone data; para. 54).

Regarding claim 6, Horii et al disclose a portable telephone set comprising a receiving input part for receiving code data (image converted text data received from camera input), a display part (640) for displaying code data (text data), a storing part (memory to store the text data) for storing the data of each item (paras. 82, 89), and a control part (control activated when enter button pressed) for extracting the data of each item from the code data based on each identification code and registering the extracted

data in the storing part (extracting text data related to specific phone number or email address of a person and storing it to memory; paras. 54, 89, 99), and transmitting code data to another portable telephone set (fig. 12C; paras. 82, 89), a key input part (alphanumeric keys of phone; fig. 3C). Horii et al do not explicitly disclose receiving input part for receiving code data transferred from a different portable telephone set. However, since Horii et al transmits the code data to another telephone set via email, it is well known and notoriously old in the art to have a receiving input part as well on the other end of the other telephone set to receive the code data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the code data of Horii et al be received from another telephone set in order to allow the user to send the desired image converted text data to the other user as a text message or email. Horii et al (figs. 12A-12C) do not disclose the key input part is for additionally inputting to the same identification codes related to items to be registered with respect to the code data or data of each item. Horii et al (fig. 14C) shows a key input part (user enters various information related to image; para. 97) for additionally inputting, with respect to the output of the image analysis part (image identification), identification codes (i.e. personal name, phone number, email address; paras. 97-99) related to items to be registered (storing the personal name, phone number, email corresponding to image data) or data of each item. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store additional user input data in order to allow the user to more specifically characterize the image

converted text data of fig. 12B of Horii et al for further identification by user input, i.e. the user inputting the person's name in addition to the converted email or phone data.

Regarding claim 9, Horii et al disclose the portable telephone set according to one of claim 6, wherein the data form of the transferred code data is a text or bar code form (text data; para. 89).

Regarding claim 14, Horii et al disclose the portable telephone set according to claim 6, wherein the control part displays reserved data (stored coded data) on the display part (stored and retrieved to be displayed), and has a control function of transferring the displayed data to a different portable telephone set (sending the displayed text in an email) (para. 89; fig. 12C). Horii et al do not explicitly disclose a control function of receiving the data transferred from a different portable telephone set. However, since Horii et al transmits the code data to another telephone set via email, it is well known and notoriously old in the art to have a control function of receiving input part as well on the other end of the other telephone set to receive the code data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the code data of Horii et al be received from another telephone set in order to allow the user to send the desired image converted text data to the other user as a text message or email.

Regarding claim 17, Horri et al disclose the portable telephone set according to claim 6, wherein the data of each item is data of a telephone set or a scheduler (telephone data; para. 54).

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4. Claim 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horii et al (US 2002/0,058,536) in view of Kim et al (US 2005/0,085,263).

Regarding claim 4, Horii et al disclose the portable telephone set according to one of claim 1, wherein Horii et al does not disclose image transferred from a different portable telephone set is inputted to the image input part. Kim et al disclose the image transferred from a different portable telephone set is inputted to the image input part (paras. 73-74; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the image transferred from another portable telephone set in Horii et al in order to receive image from another subscriber's mobile phone so that two portable phone users can send their pictures to one another.

Regarding claim 5, Horri et al disclose the portable telephone set according to claim 1, wherein Horri et al do not disclose the data form of the image is JPEG. Kim et al disclose the data form of the image is JPEG (para. 25; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the images of Horri et al be in JPEG form in order to have better image characteristic and quality when compressed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 4-6, 9-12, 14, and 17 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

6. Claims 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 7, Horii et al disclose the portable telephone set according to claims 1 and 6 respectively, which permits preliminarily registering identification codes, and in which the control part extracts data subsequent to each registered identification code from the code data and registers the extracted data in the storing part for each item.

7. Claims 3, 8, 13, 15-16, and 18-20 are allowable over the cited prior art.

8. The following is an examiner's statement of reasons for allowance:

Regarding claim 3, Horii et al disclose a portable telephone set comprising an image input part for inputting image, an image analysis part for recognizing the image and converting the image to code data, a display part for displaying the code data, a memory part for storing data of each item, a key input part for specifying code data displayed on the display part. (paras. 82, 89, 99; figs. 12A-12C, 14A-14D).

However, Horii et al and the cited prior art fail to disclose:

a control part for displaying an instruction for specifying data to be registered for each item on the display part,

extracting, in response to cursor specification of data to be registered by the key input part, the specified data part, and

registering the extracted data part as data of each item in the storing part.

Regarding claim 8, Horii et al disclose a portable telephone set comprising:

a receiving input part for receiving the same code data transferred from a different portable telephone set, a display part for displaying code data, a storing part for storing data of each item, a key input part for specifying code data displayed on the display part, and a control part for displaying an instruction for specifying data to be registered for each item on the display part (paras. 82, 89, 97-99; figs. 12A-12C, 14A-14D).

However, Horii et al and the cited prior art fail to disclose:

the key input part for specifying code data displayed on the display part,  
extracting, in response to cursor specification of data to be registered in the key input part, the specified data part, and  
registering the extracted data part as the data of each item in the storing part.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lana Le

  
9-26-06  
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PRIMARY EXAMINER